

therefore ought not to be reversed but to Stand in full force and this the s^d Eliz^a Blackiston Adm^x of the s^d Nehemiah Blackiston who as well for their then Ma^{ts} as for himself in that behalfe prosecuted is ready to Avert and prayeth Judgm^t etc:

W. Dent

The First Reason being fully argued and debated upon by the Attorneys on both sides. and the matter in question determinable by this Court and their Judgm^t thereon to be given was, whether the Commission by which the Speciall Court condem'd the Beer was a legall Commission or not, the which was adjudged by this Court to be a legall Commission, His hon^r Col^l: Addison only excepted who was of a Contrary opinion.

The Second Reason alleadged for reversing the First Judgm^t of the afores^d Sp^{ts} Court came next in Ord^r to be Argued upon, and being fully considered by the Court here, was thought insufficient for reversing the First Judgm^t of the Sp^{ts} Court aforementioned.

The Third Reason in like manner argued and adjudged accordingly. Whereupon the Fourth Reason and Error assign'd by the Def^t before the Justices of the prov^{ts} Court for reversall of the First Judgm^t of the Sp^{ts} Court afores^d being Read, Argued and debated upon by the Attorneys on both Sides, it is adjudged by this hon^{ble} Court (to wit) the 17th day of December in the Eighth Year of the Reign of our Sovereign Lord King William the Third etc: Annoque Domini 1696. That the s^d Error is Sufficient for Setting aside the Judgm^t of the s^d Sp^{ts} Court and therefore Considered, that the Judgm^t of the prov^{ts} Court afores^d (upon the Writ of Error ag^t the proceedings and Judgm^t of the s^d Sp^{ts} Court there brought be affirmed, and that procedendo hence issue directed to the Justices of the s^d Court accordingly;

His Ma^{ty} ag^t Rich^d Swetnam in Appeal. It being moved by the Kings Attorney Gen^l how that the whole proceedings in this Cause had not been transmitted for that the Venire was not yet Return'd therefore pray'd a Writ of Diminution might issue which was granted and Order'd accordingly; His Ma^{ty} ag^t Elias King in Appeal. The Same as before; [58] Henry Denton Qui tam ag^t Sloop Rob^t and Ann in Appeal. Vpon Motion made in behalf of M^r Rob^t Smith the Def^t in this Cause by M^r Charles Carroll, how that the s^d M^r Smith was at p^rsent disappointed of Some p^rson to plead his Cause and could not conveniently attend the Same himself, therefore pray'd a Continuance thereof untill next Court, which was granted him, and the Cause continued accordingly.

Charles Carroll ag^t Eliz: Blackiston Ex^x of Col^l Blackiston Decd: etc:
Procedendo.

William the Third by the Grace of God, King of England Scotland France and Ireland Defender of the Faith etc: To the Justices of the prov^{ts}